

Serial No.: 10/686,835

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Kukolj, G. et al) Art Unit: 1648
Serial No. : 10/686,835) Examiner: Bao Qun Li
Confirmation No.: 8470
Filed : October 16, 2003
For : Self-replicating RNA Molecule from Hepatitis C Virus
Docket No. : 13/083-2-C1

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO RESTRICTION/ELECTION REQUIREMENT

Sir:

This Reply is filed in response to the Office Action dated December 28, 2004. Also submitted is a Petition for Extension of Time for one (1) month up to and including February 28, 2005, together with the necessary fee. In addition, Applicants also request that any subsequently filed reply requiring a petition for an extension of time for its timely submission be treated as if it incorporated such petition for an extension of time pursuant to the provisions of 37 C.F.R. § 1.136(a)(3) and hereby authorize that any fees due in connection therewith be charged to Deposit Account No. 02-2955.

The Examiner has imposed a restriction requirement and species election in the instant application. The Examiner alleges that the claims of the instant application include three independent and distinct inventions as follows:

Group I: Claims 1-4, drawn to a host cell transfected with a self-replicating polynucleotide;

Group II: Claims 5-7, drawn to a RNA replication assay; and

Group III: Claims 8 and 9, drawn to a method for testing a compound for inhibiting HCV replication.

Serial No.: 10/686,835

The Examiner also requires election of one of the following species: (a) R1135K; (b) S1148G; (c) S1560G; (d) K1691R; (e) L1701F; (f); (g) I1984V; (h) T1993A; (i) G2042C; (j) G2042R; (k) S2404P; (l) L2155P; (m) P2166L; and (n) M2992T.

In response to this restriction requirement, Applicants hereby elect to prosecute in this application the subject matter of Group I, claims 1-4. Applicants elect the species of G2042C for examination purposes, readable on claims 1-4.

Applicants reserve the right to prosecute in one or more divisional applications whatever subject matter is not examined or allowed here.

Applicants respectfully submit that all the pending claims are allowable and therefore solicit a Notice of Allowance for all of the pending claims. If the Examiner feels that a telephone interview would be helpful in advancing prosecution of this application, the Examiner is invited to contact the attorney below.

Respectfully submitted,



Susan K. Pocchiarri
Registration No. 45,016
Attorney for Applicants

Date: February 23, 2005

BOEHRINGER INGELHEIM CORPORATION
Patent Department
900 Ridgebury Road
P.O. Box 368
Ridgefield, CT 06877
Tel.: (203) 798-5648
Fax: (203) 798-4408